

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2004 SEP 23 P 4: 36

U.S. DISTRICT COURT
DISTRICT OF MASS.

LG. PHILIPS LCD., CO., LTD.,

Plaintiff,

vs.

MICHELE B. BOVIO

&

ROBERT C. FRAME,

Defendants.

Civil Action No. 04-11076 (RCL)

AFFIDAVIT OF BRAD OTTO

I, Brad Otto, declare and state under the pains and penalties of perjury as follows:

1. I am the owner of Security Tree, an Internet company that sells counterfeit detection devices through the Internet. I have personal knowledge of the matters stated herein, and if called to testify, could and would testify competently thereto.
2. I have been responsible for the products sold by Security Tree as well as the maintenance of Security Tree's website and am aware of all changes that have been made to the website.
3. In June 2003, I was contacted by Selmont Security, a New Hampshire company, concerning the marketing of a product known as E-test. Selmont Security provided me with information regarding E-test, and I incorporated that information into Security Tree's website. However, approximately one month later, I was advised by Selmont Security that it would not be selling the product, and I immediately deleted all references and links to the E-test product from my website.

4. Until being contacted by Michael Resch on September 20, 2004, I was unaware that customers could still locate Security Tree's E-test webpage on the Internet. Indeed, customers cannot – and have not been able to since in or about June 2003 – locate the E-test webpage through Security Tree's website. As described above, all links to the E-test page and all references to the E-test product were deleted in or about June or July 2003. Until September 20, 2004, I did not believe that individuals had the ability to access the E-test webpage in any manner. After speaking with Mr. Resch, however, my understanding was that the only way an individual could access the deleted E-test webpage is through a search engine that retrieves webpages – not through Security Tree's website. On September 22, 2004, in order to avoid any further confusion, I located and permanently deleted the E-test webpage. It is my current understanding that individuals cannot view the E-test webpage through the Internet in any manner.

5. Security Tree has never sold or distributed any E-test products. Security Tree has never sold or distributed any products made by the firm Carena & Associati of Ivrea, Italy. During the approximate one-month period during which E-test was listed on Security Tree's website, no orders were placed for the product.

6. I have never communicated with any individuals at Carena & Associati. Before

September 20, 2004, I had never heard the name Michele Bovio and still have never communicated with Mr. Bovio. I am unaware whether Mr. Bovio had any knowledge that Security Tree had listed the E-test product on its website or whether Mr. Bovio had ever heard of Security Tree.

Dated: September 22, 2004



Brad Otto